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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,941	06/21/2004	Oral F. Sekendur		1256

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EXAMINER

SHANKAR, VIJAY

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,941

Applicant(s)

SEKENDUR, ORAL F.

Examiner

VIJAY SHANKAR

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reissue Applications

1. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application.

See 37 CFR 1.175(a)(1) and MPEP § 1402 and MPEP § 1414.

2. The reissue oath/declaration filed 7-31-2003 is defective, because the error should be specified, so the error needs to be specific in the reissue oath/declaration; therefore applicant fails to say such as we fail to Claim " A coordinate sensor ----- " therefor this Patent is inoperative. This reissue is to correct the specify error.

See 37 CFR 1.175(a)(1) and MPEP § 1402 and MPEP § 1414.

3. Claims 1-20 are rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the oath/declaration is set forth in the discussion above in this Office action.

4. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

5. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 1-20 are rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

6. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 5,852,434 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

Information Disclosure Statement

7. The information disclosure statement filed 10-6-2004 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

8. Claim 16 is objected to because of the following informalities: Claim 16, line 4; term " an data " should be " a data".

Also, Claim 16, line 8; " data . " should be " data ; " .

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4, 10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Brogardh (4,531,230).

Regarding Claim 1, Brogardh teaches a coordinate sensor comprising: a data surface formatted with at least one coding means for designating coordinates of at least one point on the data surface (Figs.2-6; Column 4, lines 1-68); a detector means for detecting the at least one coding means and for generating at least one output signal (figs.4-6; Col.4, lines 35-65); a processing means for receiving and processing the at least one output signal, thereby to determine the position of the detector means relative to the data surface (Summary; Figs.3-6; Column 4, lines 1-68); whereby the data surface comprises a writing surface (Fig.4; Column 4, lines 20-53).

Regarding Claim 2, Brogardh teaches a coordinate sensor whereby the data surface comprises at least one dimension; the at least one coding

means comprises coordinates for at least one dimension; the detector means comprises an array of light sensitive elements grouped together in at least one dimension. (Figs.1-6; Column 3, lines 8-65; Column 4, lines 1-66).

Regarding Claim 3, Brogardh teaches a coordinate sensor whereby the data surface comprises a substantially planar face; the at least one coding means comprises coordinates for two dimensions for a plurality of points on the data surface; the detector means comprises an array of light sensitive elements grouped together in two dimensions. (Figs.1-6; Column 3, lines 8-65; Column 4, lines 1-66).

Regarding Claim 4, Brogardh teaches a coordinate sensor whereby: the at least one coding means comprises an optical image; the detector means comprises an array of light sensitive elements; the processing means comprises a computer. (Figs.1-6; Column 3, lines 8-65; Column 4, lines 1-66).

Regarding Claim 10, Brogardh teaches a coordinate sensor comprising: a data surface comprising a substantially two dimensional planar face formatted with at least one coding means for designating two dimensional coordinates of at least one point on the data surface (Figs.2-6; Column 4, lines 1-68); a detector means comprising an array of light sensitive elements grouped together in two dimensions for detecting the at least one coding means, and an output means for generating at least one output signal (Figs.1-6; Column 3, lines


8-65; Column 4, lines 1-66); a processing means for receiving and processing the at least one output signal from the detector means, thereby to determine the position of the detector means relative to the data surface (Summary; Figs.3-6; Column 4, lines 1-68); whereby the data surface comprises a writing surface (Fig.4; Column 4, lines 20-53); and whereby the at least one coding means comprises an optical image (Summary; Figs.1-6; Column 3, lines 8-65; Column 4, lines 1-66).

Regarding Claim 16, Brogardh teaches an apparatus for obtaining and outputting the position and movement of a moveable element on a data surface comprising: the data surface formatted with a position-related coding means for indicating X-Y coordinates (Figs. 2-5; Col. 4, lines 1-56); a data input means for obtaining and outputting position-related data from the position-related coding means (Figs. 2-6; Col. 4, lines 1-68); a data processing means for obtaining and analyzing position-related data from the data input means and a data output means for outputting analyzed position-related data (Figs. 2-5; Col. 4, lines 1-68), whereby the data surface comprises a writing surface (Fig.2-4; Col.4, line 31-53); and whereby the at least one coding means comprises an optical image. (Summary; Figs.1-6; Column 3, lines 8-65; Column 4, lines 1-66).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (571) 272-7682. The examiner can normally be reached on M-F 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a stylized, cursive script.

VIJAY SHANKAR
Primary Examiner
Art Unit 2673

VS